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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/380,812	11/23/1999	KAZUROU OKUZAWA	00169/P17568	3098

7590

06/03/2004

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EXAMINER

KNABLE, GEOFFREY L.

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3 and 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claim 1 is rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Sato et al. (US 5,753,727).
Sato et al. is applied for the same reasons as set forth in the last office action.
3. Claim 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. (US 5,753,727) as applied to claim 1 above, and further in view of the admitted state of the prior art as applied in the last office action.
4. Claims 1, 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted state of the prior art taken in view of Smith (US 3,347,837) and/or the Kirk-Othmer Encyclopedia of Chemical technology excerpt (particularly sections 3.4 and 8.2) and optionally further in view of Sato et al. (US 5,753,727) and/or the abstract for JP 1-153781 (cited by applicant) as applied in the last office action.
5. Applicant's arguments filed 3-3-2004 have been fully considered but they are not persuasive.

With respect to Sato et al., it is argued that Sato et al. teaches either 100 parts chloroprene rubber or a 50:50 combination of chloroprene and carboxylated chloroprene, it being concluded that this reference therefore does not suggest or render obvious the claimed requirement with respect to carboxylated chloroprene. This argument has been considered but is unpersuasive. First, the claims define that the composition contains 100 parts by weight of the carboxylated polymer and 1-30 parts by weight of the chlorinated polypropylene. This does **not** in any way exclude the

presence of non-carboxylated chloroprene, whether at a 50:50 proportion or otherwise. Rather, the claims simply define the relative proportions of the carboxylated chloroprene and chlorinated polypropylene, it being noted that the exemplary proportions in Sato et al. fall well within this range - i.e. the table 3 recitations of 50 parts carboxylated chloroprene and 5 parts chlorinated polyolefin corresponds to 100 parts to 10 parts, well within the claimed relative proportions. Applicant's discussion of carboxylated chloroprene as a "main ingredient" are noted - again however the present claims do not in any way define over an adhesive as taught/obvious from Sato et al., the claims in fact making no reference to a main ingredient and not excluding other components. The reference to unexpected results in the specification is also acknowledged. However, these results do not make any comparison to the closest prior art (Sato et al.) and in any event would not be commensurate in scope with the claims insofar as the claims at present do not patentably distinguish the exemplary Sato et al. adhesives which include both carboxylated chloroprene rubber and chlorinated polyolefin (this either being chlorinated polypropylene or it being certainly obvious to use chlorinated polypropylene as previously noted).

As to the rejection using the admitted prior art as the primary reference, it is argued that Smith fails to suggest adhesion to polypropylene and the Kirk-Othmer encyclopedia excerpt fails to teach the claimed combination. These arguments have been considered but are unpersuasive. Again, Smith is directed to carboxylated chloroprene rubber and in particular evidences an understanding that such polymers "may be used in many applications in place of conventional chloroprene polymers", they

being "most useful for the preparation of solvent adhesives exhibiting good storage stability and capable of producing bonds having outstanding high temperature cohesive strengths" (col. 3, lines 56-62). It is considered that the artisan would have understood that this is suggesting/motivating general replacement of conventional chloroprene in many applications including especially adhesives, the admitted prior art providing clear evidence that such chloroprene rubber based adhesives are conventionally used in bonding polypropylene. The Kirk-Othmer Encyclopedia of Chemical technology excerpt relating to Polychloroprene (particularly sections 3.4 and 8.2) further similarly evidences an understanding that "a minor amount of comonomer provides beneficial functional groups, e.g., carboxylated adhesives, where the comonomer promotes adhesion and cohesive strength" (section 3.4) and carboxylated chloroprene polymers such as neoprene AF provides "higher bond strength, especially hot bond strength" (section 8.2). In light of this apparent well known fact that carboxylated chloroprenes provide improved bond strength and particularly hot bond strength, it would have been *prima facie* obvious to utilize carboxylated forms of chloroprene in the otherwise conventional adhesive of the admitted prior art for the expected improvements in bonding. Applicant has not provided a convincing line of argument as to why the artisan would not expect these known improvements to follow for chloroprene based adhesives as in the admitted prior art.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Geoffrey L. Knable
Primary Examiner
Art Unit 1733

G. Knable
May 31, 2004